



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. [MD]No.887 of 2021

and

C.M.P (MD)No.4023 of 2021

Against

WP (MD)No.1636 of 2021

The District Collector,
Ramanathapuram District,
Ramanathapuram.

... Appellant / Respondent

Vs.

A.T.Pachamal

... Respondent / Writ Petitioner

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 02.02.2021 made in W.P.[MD] No.1636 of 2021 on the file of this Court.

PRAYER IN WP(MD) . 1636 of 2021 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court S-12. To issue a Writ of Certiorarified Mandamus calling the records of the respondent i.e., the District Collector, Ramanathapuram in his impugned proceedings in Na.Ka.V6/48819/2020 dt 13.01.2021 and quash the same and consequently direct the respondent to disburse the Encashment of Leave salary and Special Provident Fund No.I and II of the petitioner within a specified time frame that may be fixed by this Honble Court.

For Appellant	: Mr.K.P.Krishnadass, Special Government Pleader
For Respondent	: Mr.S.Visvalingam

JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

We have heard Mr.K.P.Krishnadass, learned Special Government Pleader for the Appellant and Mr.S.Visvalingam, learned Counsel for the Respondent.

2.Identical impugned orders passed in the other writ petitions
<https://www.e-courts.gov.in/hcservices/> its correctness by us in W.A.(MD)No.813 of 2021 and



the same was dismissed by judgment, dated 16.04.2021. The operative portion of the judgment reads as follows :

"6.On a perusal of the proceedings of the appellant dated 18.02.2019, it is seen that there is no such condition imposed, but only reference to G.O.Ms.No.101, stating that the Chief Educational Officer of the concerned district would be entitled to grant permission is made.

7.The learned Writ Court, after considering the submissions of the other side, taking note of the decision in the case of **Director of Elementary Education, Chennai Vs. G.Vijayalakshmi and another reported in (2015) 6 MLJ 315**, allowed the writ petition. Aggrieved by the same, the department is before us.

8.After we have elaborately heard Mrs.S.Srimathy, learned Special Government Pleader appearing for the appellants and Mr.D.Shanmugaraja Sethupathi, learned Counsel for the first respondent / writ petitioner, we are of the considered view that the order passed by the learned Single Bench is perfectly justified and calls for no interference. We had an occasion to consider a similar case, though there was a slight difference in the facts of the case in W.A.[MD]No.271 of 2021 and we have dismissed the appeal filed by the Government.

9.The case on hand is a better case on facts. Thus for the reasons assigned by the learned Writ Court, as well as the reasons assigned by us and in terms of our earlier judgments referred above, we find no good grounds to interfere with the order of the learned Writ Court.

10.After we have dictated the judgment, the learned Special Government Pleader submitted that the matter has to be placed for ratification before the Court.

11.In the facts and circumstances of the case, we find no justification for doing so because no such ratification needs to be automatic because the head of the department



namely, the Director of School Education has already issued proceedings dated 18.02.2019. This should be taken note of by the appellants.

12. Accordingly, this Writ Appeal stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed."

3. Following the same, the Writ Appeal stands dismissed. No Costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

RM

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

The District Collector,
Ramanathapuram District,
Ramanathapuram.

+1 CC to M/s.SPL GP (SR-17585[F] dated 26/04/2021)

W.A. [MD]No.887 of 2021
23.04.2021

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KK(15.06.2021) 3P 3C